

## Official Proceedings

May 2, 2017  
8:00 am

Chairman Elkin called the meeting of the Stark County Board of Commissioners to order. All members present.

### Agenda

Chairman Elkin asked for any additions or deletions to the agenda. Discussion on Senate Bill 2003 was added.

**MOTION BY:** Commissioner Hoff                      **SECOND BY:** Commissioner Franchuk

To approve the agenda as presented with the addition.

**DISPOSITION:** Motion carried

### Minutes

The minutes of the April 4, 2017 Board of County Commissioners meeting were presented. It was requested that the location under the engine brakes section be corrected.

**MOTION BY:** Commissioner Zander                      **SECOND BY:** Commissioner Kuntz

To approve the minutes of the April 4, 2017 Board of County Commission minutes with the correction.

**DISPOSITION:** Motion carried

### Accounts Payable

Invoices for Polaris, Pro Tint, iKeating Furniture, and Viking Glass were discussed. The Viking Glass invoice will be paid out of capital improvements.

**MOTION BY:** Commissioner Hoff                      **SECOND BY:** Commissioner Kuntz

To approve the accounts payable with the supplement as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

**General:** \$741,620.35;

**10 Mil:** \$18,881.21;

**County Road:** \$169,336.45;

**Highway Tax Distribution:** \$177,649.56;

**Social Welfare:** \$288,008.41;

**Capital Improvement:** \$736,077.44;

**County Jail:** \$136,429.45;

**VSO Fund:** \$8,603.85;

**County Agent:** \$8,091.85;

**Weed Control:** \$16,767.77;

**9-1-1:** \$25,885.50;

**Adult Education:** \$18.00;

**Domestic Violence:** \$210.00;

**Security Reimb:** \$207.94;

**SW Victim Witness Program:** \$7,913.77;

**DVRCC:** \$496.76;

**State Reimbursements:** \$50.00;

**Siren Contingency:** \$362.84;

**Other Reimbursements:** \$27,276.72;

**Judgement Execution:** \$6,917.35;

**BCI-Task Force Grants:** \$19,335.05;

**911 Equipment:** \$833.08;

**Poster Contest Awards**

For National County Government month, Stark County sponsored a poster contest and presented the winners with their awards.

**Sheriff Oestreich**

Sheriff Oestreich provided his monthly report which included the following:

- 192 criminal papers were received and 154 were served;
- The arrest tally included 8 accidents, 77 stops, 45 citations, and 10 warnings;
- 151 civil papers were received and 111 were served;
- Transports included 21 criminal, 29 daily court, 3 medical, 9 mental health, and 2 juveniles;
- The truck reg. program had a total of \$4,690 in fines and \$28,185.20 in permits;
- The 24/7 program had a total of \$3,730 in revenue.

Sheriff Oestreich presented a grant application for \$84,000 for new portable radios and in-car video system.

**MOTION BY:** Commissioner Hoff

**SECOND BY:** Commissioner Zander

To authorize the chairman to sign the grant application as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

Sheriff Oestreich presented an out-of-state travel request for himself and Major Moser to attend recruitment and retention training in Minneapolis, MN May 15<sup>th</sup> through May 18<sup>th</sup>.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Kuntz

To approve the out-of-state travel request as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

Sheriff Oestreich presented an out-of-state travel request for Major Moser and Detective Wallace to attend an evidence collection class in North Carolina June 4<sup>th</sup> through June 10<sup>th</sup>.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Hoff

To approve the out-of-state travel request as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

Both out-of-state travel request are in the training and travel budget.

### **Road Superintendent - Al Heiser**

Mr. Heiser provided his monthly report. In addition, members of the road department will be attending a culvert installation class and will be inspecting and cleaning all culverts in the county.

### **County Engineer – Justin Hyndman**

Mr. Hyndman provided the following monthly report:

- Bull Creek Structure Replacement – Schwartz Construction.
- Structure 45-134-03.0 Replacement – Schwartz Construction.
- Green River Bridge – KLJ finalizing design and planning to bid the project on June 6. KLJ is waiting on the USACE to finalize the MOA to proceed ahead with the bridge adoption/mitigation.
- South Heart Road Widening – Northern, prejob held.
- Tributary of Thirty Mile Creek Structure Replacement along 99<sup>th</sup> Ave SW – USACE 404 permit application was submitted and KLJ is waiting on a response prior to proceeding ahead with the plans.
- Courthouse Parking Lot – Bid May 16, 2017.
- Plum Creek Structure 45-142-20.0 Replacement – Project was approved for TRIP funds. Bid date February 9, 2018.
- Structure 45-113-20.0 Replacement – Project was approved for federal bridge funds. Bid date November 9, 2018.
- 112<sup>th</sup> Ave SW (30<sup>th</sup> to 32<sup>nd</sup>) CMC 4521 Grading & Aggregate 2.3 miles – KLJ will complete wetland monitoring to satisfy the USACE. Submitted 2016.

Mr. Hyndman also provided additional information on the historic issues of the Green River Bridge.

### **Senator Hoeven's Office**

A representative advised that Senator Hoeven sponsored a bill regarding land ownership of residents at Patterson Lake and is requesting the Commission send a letter of support for this bill.

**MOTION BY:** Commissioner Zander

**SECOND BY:** Commissioner Franchuk

To authorize the chairman to sign a letter of support for the bill in question.

**DISPOSITION:** Motion carried

### **Jessica Clifton VSO Report**

Ms. Clifton provided a report of the county Veteran's Service Office which included 2,324 veterans currently registered with the Stark County VSO.

### **Scull**

A representative from Scull Construction provided an update on the Courthouse Expansion project. There was an issue with the brick which is pushing the project back a couple of weeks. There were a few change orders however those will be discussed at the next building meeting and presented at the next Commission meeting.

### **Zoning**

Northern Improvement Company is requesting a zoning change from Agriculture to Commercial on a parcel of land located in the NW ¼ of Section 36, Township 140, Range 98 containing approximately 80 acres. Planning and Zoning along with staff recommend approval subject to conditions.

**MOTION BY:** Commissioner Hoff                      **SECOND BY:** Commissioner Zander

To approve the zoning request as presented with conditions.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

Northern Improvement Company is requesting a conditional use permit for a contractor's yard and operation to be located on a parcel in the NW ¼ of Section 36, Township 140, Range 98 containing approximately 80 acres. Planning and Zoning along with staff recommend approval subject to conditions.

**MOTION BY:** Commissioner Hoff                      **SECOND BY:** Commissioner Kuntz

To approve the conditional use permit as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

Mary L. Peters, Et al, are requesting a rezoning from Industrial to Agriculture on property located in Section 15, Township 139, Range 98 less a 4.47 acre parcel in the SE ¼ of the SE corner, and in the E ½ and the NW ¼ of Section 16, Township 139, Range 98 containing approximately 1,120 acres. Planning and Zoning along with staff recommend approval.

**MOTION BY:** Commissioner Hoff                      **SECOND BY:** Commissioner Franchuk

To approve the zoning request as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

Amendments were presented to Article V of the Stark County Zoning Ordinance as adopted on October 2, 2012.

**MOTION BY:** Commissioner Hoff                      **SECOND BY:** Commissioner Kuntz

To approve the amendment to Article V as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

### **Haag's Sub – Section Line Closing**

An issue was identified with the closing of the discussed section line and Roughrider Electric is requesting the section line be reopened. The Commission authorized Mr. Henning to make contact and work with Ms. Warm's attorney.

#### **Wolf-Reaves Annexation**

The applicant lives in Stark County however they are part of the Hebron School District. This request would annex the property into the Richardton School District.

Chairman Elkin called the public hearing to order and asked for any public comment. Hearing none, Chairman Elkin closed the public hearing.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Hoff  
To approve the Wolf-Reaves request for reorganization and annexation as presented.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried

#### **Pump Systems, Rd Dept-Motion if approved by Park Board**

A bid for a John Deere Tractor was presented.

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Franchuk  
To accept the bid on the John Deere tractor as presented to be paid out of the Park Board fund.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried

It was requested that the Stark County Road Department setup a pad for the portable bleachers.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Kuntz  
To authorize the Road Department to setup the pad as requested and be paid out of the Park Board fund.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried

A bill was presented from the Stark County Road Department for work completed at the Fairgrounds.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Franchuk  
To reimburse the Road Department \$41,944.68 to be paid out of the Park Board fund.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried

The Pump Systems invoices will be forwarded to the Fair Association.

#### **Discovery Benefits – Motion to Sign**

The plan document for Discovery Benefits was presented and requested the Chairman's signature.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Hoff  
To authorize the Chairman to sign the Discovery Benefits document as presented.  
**DISPOSITION:** Motion carried

#### **Conlon Annexation**

The applicant lives in Stark County however they are part of the Hebron School District. This request would annex the property into the Richardton School District.

Chairman Elkin called the public hearing to order and asked for any public comment. Hearing none, Chairman Elkin closed the public hearing.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Franchuk  
To approve the Conlon request for reorganization and annexation as presented.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried

### **SB2003**

Commissioner Zander provided an overview of Senate Bill 2003 which redirected funding to Dickinson State University. There was an issue with lack of communication to all Stark County Commissioners prior to an article in the Dickinson Press. Clarification was provided on the communication to the Commissioners regarding the bill.

### **Messer-Cude Annexation**

The applicant lives in Stark County however they are part of the Hebron School District. This request would annex the property into the Richardton School District.

Chairman Elkin called the public hearing to order and asked for any public comment. Hearing none, Chairman Elkin closed the public hearing.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Hoff  
To approve the Messer-Cude request for reorganization and annexation as presented.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried

### **Emily Laughlin-Driver's License Division/Organ Donors**

Ms. Laughlin, Community Partnership Coordinator for LifeSource provided an overview of the LifeSource organ donation coordination system and presented the Stark County Driver's License division an award for the highest percentage increase in organ donations.

### **Other**

Mr. Henning advised that there was a third applicant that filed a lawsuit regarding tax abatements for the City of Dickinson.

### **Diane Procive-Road Conditions Streit Land Trust**

Members of the Streit Land Trust presented information regarding a road issue with Kaiser Francis on Sections 2 and 3, Township 139N, Range 95W and is requesting the County direct Kaiser Francis to improve the road.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Hoff  
To direct Kaiser Francis to correct the in-slopes of the present road.  
**DISPOSITION:** Motion carried  
**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Franchuk  
To place a timeline not to exceed one year from today.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried

The following Miscellaneous Receipts were filed: General: \$257,017.69; County Road: \$757,676.69; Highway Tax Distribution: \$331,448.92; Social Services: \$38,321.06; Capital Improvement: \$106,848.11; Weed Control: \$18,044.80; 911 Revenue: \$32,553.56; Adult Education: \$15.00; Fingerprint Station: \$315.00; Domestic Violence: \$803.00; Traf Safety PHSPID Grant: \$1,286.25; Estimated Tax Revenue: \$3,040.96; Security/Transfer DJS Reimb: \$272.32; SW Victim Witness Program: \$2,767.75; Protest Fund: \$7,574.58; Domestic Violence & Rape Crisis Center: \$496.76; Preservation Fee: \$9,688.50; Other Reimbursements: \$26,691.45; Judgment Execution: \$7,249.68; BCI Task Force: \$7,312.50; 911 Equipment: \$5,741.54;

**MOTION BY:** Commissioner Zander  
To adjourn the meeting.

**SECOND BY:** Commissioner Hoff

**DISPOSITION:** Motion carried